United Nations CEDAW/C/KAZ/CO/3-4/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
11 January 2017
English
Original: Russian

Committee on the Elimination of Discrimination against Women

Consideration of observations on the combined third and fourth periodic reports of Kazakhstan

Addendum

Information provided by Kazakhstan in follow-up to the concluding observations*

[Date received: 1 November 2016]

Note: The present document is being circulated in English, French, Russian and Spanish only.

* The present document is being issued without formal editing.

17-00431 (E) 310117 010217

Please recycle

Information on the steps taken to implement the recommendations contained in paragraphs 19 and 29 of the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined third and fourth periodic reports of the Republic of Kazakhstan

1. In order to implement the concluding observations made by the Committee on the Elimination of Discrimination against Women on the combined third and fourth periodic reports of Kazakhstan, the Deputy Prime Minister of the Republic of Kazakhstan, B. Saparbaev, has elaborated and approved a plan of action for the implementation of the concluding observations of the Committee on the combined third and fourth periodic reports of Kazakhstan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women of 14 February 2014 (hereinafter referred to as the Plan).

2. State bodies are carrying out work to ensure that this Plan is implemented.

3. The Secretary of State of the Republic of Kazakhstan, G. Abdykalikova, who is Chair of the National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President, arranged for an extended interdepartmental conference on the prevention of domestic violence to be held on 28 July 2016 in the Office of the Procurator-General, with the participation of parliamentary deputies, members of the National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President (hereinafter referred to as the National Commission) and representatives of State bodies, the diplomatic corps and non-governmental and international organizations. Measures to strengthen the prevention of offences against women in the family and domestic context and problems encountered in practice were discussed.

4. The conference resulted in the establishment of an interdepartmental working group on domestic violence, whose tasks include the development of a strategy and effective mechanisms for the prevention of offences in the family and domestic context and for the rehabilitation of victims of domestic violence in the Republic of Kazakhstan.

5. A project entitled "Kazakhstan without family violence" is being implemented, with planned project activities including measures for improving legislation on the prevention of domestic violence.

6. On 23 September 2016, a meeting of the National Commission heard information from the Supreme Court, the Office of the Procurator-General, the Ministry of Internal Affairs and the Ministry of Health and Social Development of the Republic of Kazakhstan on the progress of the implementation of the Plan. Following the meeting, State bodies were given specific instructions on implementing the Plan. (Report No. 32-47.3 of 23 September 2016).

7. In addition, to ensure compliance with paragraph 41 of the concluding observations of the Committee, and in particular with the recommendations contained in paragraphs 19 (a), (b), (c), (d), (e), (f) and 29 (a), (b), (c), (d), we are providing the following information.

Paragraphs 19 (a), (d) and 29 (d)

8. The adoption of the Domestic Violence Act has been instrumental in lowering the level of domestic crime by an average of 6.2 per cent annually. Whereas in 2010 a total of 745 such crimes were recorded, data for 2015 showed that this figure had decreased by 37.3 per cent.

9. For reference: In 2011, 799 crimes in the context of family and domestic relations were committed, including 281 murders. The corresponding figures for 2012 were: 780 (285), for 2013: 684 (218), for 2014: 620 (188) and for 2015: 467 (82).

10. In addition, based on analysis of problems which emerged during implementation of the Domestic Violence Act, and also in order to improve the Act, amendments and additions were introduced into the Domestic Violence Act on 14 February 2014 and into the Code of Administrative Offences on 9 April 2016.

11. Thus, police personnel have been vested with autonomous powers to issue restraining orders, which has made it possible to provide prompt protection to victims.

12. A new sanction under administrative law has been introduced, banning a person who has committed domestic violence from living in a residence with the victim in cases where that person has another residence.

13. In addition, provisions permitting victims of domestic violence to receive social assistance, regardless of their place of residence, have been adopted.

14. Although there is no direct provision in national legislation establishing liability for acts of sexual harassment and the commission of such acts, regardless of whether this has occurred in the home or under different circumstances, legally established criminal, administrative or disciplinary liability is incurred, taking into account the severity of the consequences that have arisen.

15. The Criminal Code of the Republic of Kazakhstan (hereinafter referred to as the Criminal Code), which has been in force since 1 January 2015, sets out 23 articles which are applicable to the protection of women.

16. For reference: Articles 99 (Murder), 106 (Intentional infliction of serious harm to health), 107 (Intentional infliction of moderate harm to health), 108 (Intentional infliction of slight harm to health), 109 (Beatings), 110 (Torture), 111 (Infliction of harm to health in the heat of passion), 112 (Infliction of serious harm to health by exceeding the limits of necessary defence), 114 (Negligent infliction of harm to health), 115 (Threat), 120 (Rape), 121 (Violent acts of a sexual nature), 122 (Sexual intercourse or other acts of a sexual nature with a person under 16 years of age), 123 (Coercion to perform sexual intercourse, sodomy, a lesbian act or other acts of a sexual nature), 125 (Kidnapping), 126 (Illegal confinement), 128 (Trafficking in persons), 131 (Abuse), 134 (Recruitment of a minor for prostitution), 145 (Violation of the equal rights of a person/citizen), 149 (Infringement of the inviolability of the home), 248 (Coercion into commission of a transaction or into refusal to commit it) and 308 (Recruitment for prostitution).

17. Thus, in addition to crime, the Criminal Code classifies as a criminal offence a criminal misdemeanour which is recognized as a culpably committed act (action or failure to act) which does not pose a major public risk but has caused insignificant

harm or created a risk of causing harm to a person, organization, society or the State. The commission of such offences is punishable by a fine, correctional work, community service or arrest.

18. Criminal misdemeanours include criminal offences causing slight harm to health (article 108 of the Criminal Code) and beatings (article 109 of the Criminal Code), which were formerly classified as administrative offences.

19. However, it is currently proposed that articles 108 and 109 of the Criminal Code be reclassified as administrative provisions. Since criminal investigation and prosecution in court for breach of these articles are exercised privately, i.e. the burden of establishing that violence has been perpetrated lies with the victims themselves (need to undergo examination, collect necessary statements and references, find witnesses, go to court and establish that violence has been perpetrated). It is precisely for this reason that people have stopped taking legal action. The transfer of these articles will allow law enforcement officers to respond swiftly to the facts of the case by drawing up reports on the spot and bringing administrative case submissions to court within 2-3 days, and the court will consider these in the space of 24 hours.

20. Articles 120 and 121 of the Criminal Code establish criminal liability for the commission of rape and violent acts of a sexual nature. Article 123 of the Criminal Code provides for liability for coercion to perform sexual intercourse, sodomy, a lesbian act or other acts of a sexual nature.

21. For reference: According to the notes to the latter article, the law identifies as one of the methods of coercion any exploitation of the material or other dependence of the victim which leads to infringement of the legal rights and interests of the dependent person (threat to terminate employment, to lower wages, etc.).

22. Also, with regard to questions concerning the application of criminal and criminal procedural legislation, the Supreme Court adopted Regulatory Decision No. 4 of 11 May 2007 on certain questions concerning the definition of rape-related crimes and other violent acts of a sexual nature and Regulatory Decision No. 7 of 29 December 2012 on the practical application of legislation establishing liability for trafficking in persons.

23. Article 145 of the Criminal Code provides for criminal liability for direct or indirect limitation of the rights and freedoms of a person/citizen, including on the grounds of gender.

24. Furthermore, under article 54 of the Criminal Code , the commission of a criminal offence or administrative offence against a woman known to the guilty party to be pregnant is considered a circumstance aggravating liability.

25. The Code of Administrative Offences of the Republic of Kazakhstan (hereinafter referred to as the Code of Administrative Offences) also establishes administrative liability for offences against women. For example, under article 73 an offender faces arrest for up to two days for abusive harassment or humiliation in the context of family and domestic relations.

26. In addition, Article 449 of the Code of Administrative Offences establishes administrative liability for harassment in public places, including harassment of a sexual nature.

27. Articles 73 and 90 of the Code of Administrative Offences provide for administrative liability for unlawful acts in the context of family and domestic relations and for the toleration of discrimination at work.

28. Furthermore, the Code of Ethics for Civil Servants of the Republic of Kazakhstan establishes that civil servants, in their work relations with colleagues, must take steps to create a congenial ethical and psychological environment that excludes any forms of discrimination or humiliating or degrading treatment of (both female and male) civil servants.

29. For reference: The Code of Ethics for Civil Servants of the Republic of Kazakhstan was put into effect by Presidential Decree No. 53 of 29 October 2015 on measures for further improving the ethical standards and rules of conduct of civil servants of the Republic of Kazakhstan. Also established by decree is a provision on the Ethics Commissioner, who works to ensure compliance with standards of professional ethics and to prevent breaches of the law in the civil service.

Paragraph 19 (b)

30. A system has been created for the comprehensive collection of data on all forms of violence against women and the filing of claims concerning all forms of violence against women and girls, including domestic and sexual violence.

31. The system for the comprehensive collection of data on all forms of violence against women, as well as information on the work of the courts, is being developed by the Committee for Legal Statistics and Special Reports of the Office of the Procurator-General (hereinafter referred to as the Committee).

32. The aforementioned statistical reports of the Committee provide figures on criminal offences involving violence against women, including crimes in the family and domestic context.

33. Information provided by the Committee on the number of criminal offences committed in the family and domestic context against girls and women was published in the compendium of statistics on women and men in Kazakhstan (2015) by the Committee on Statistics of the Ministry of National Economy (hereinafter referred to as the Committee on Statistics).

34. Information on the types of punishments for perpetrators of domestic violence (restraining orders and special orders) over the period since 2010 is located on the official website of the Committee on Statistics in the section on "Official statistical information" under "Gender statistics and Millennium Development Goal indicators".

35. In 2015, the Committee on Statistics conducted its first ever independent sample survey on domestic violence against women, the preliminary findings of which were published in May 2016 on the Committee on Statistics website in the section on "Official statistical information" under "Legal offences".

36. The interdepartmental working group on domestic violence is currently looking at the possibility of consolidating a unified list of the articles of the Criminal Code relating to domestic violence, as has been done with administrative offences.

37. A common protocol of procedures is being elaborated for officials of preventive entities (health-care, education and social services agencies) to use when

contacted by victims of domestic violence or when these officials uncover evidence of domestic violence directly, prior to handing over information about cases of violence to the police agencies, even in cases where the victim has refused to inform the law enforcement agencies.

38. This protocol must be established by joint order, with specific execution deadlines and with the entities for preventing domestic violence being held liable for concealing cases of violence.

39. The Office of the Procurator-General is implementing a project piloting an automated information system "Legality". Under this project, the data contained in the "Unified register of pre-trial investigations" system will be integrated with the data contained in the judicial authorities' "Judgment" information system. The question of the introduction of judicial statistics on the treatment in practice of cases involving gender discrimination will also be examined.

Paragraph 19 (c)

40. In international law, violence against women is understood to mean any act of violence committed on the grounds of gender which causes or may cause physical or psychological harm or suffering to women, as well as threats to commit acts such as coercion or confinement.

41. Based on cases examined, the number of women against whom violent crimes (murder, infliction of harm to health, beatings, torture, rape, violent acts of a sexual nature, kidnapping, trafficking in persons, illegal confinement, forcible seizure, robbery, extortion, etc.) were committed stood at 5,584 over a nine-month period in 2016, 6,483 over a similar period in 2015 and 5,056 in 2014. These figures included cases of murder: 243 (2016), 175 (2015), 289 (2014); rape: 278 (2016), 443 (2015), 489 (2014); and intentional infliction of serious or moderate harm to health: 352 (2016), 374 (2015), 515 (2014).

42. Thus, over the last three years, notwithstanding the increase in the overall number of women who have been victims of violent crimes, a downward trend in the most serious crimes can be observed.

43. Mechanisms for the administrative prosecution of perpetrators are effective measures for preventing domestic violence.

44. Administrative liability for unlawful acts in the context of family and domestic relations is provided for by article 73 of the current version of the Code of Administrative Offences, which has been in force since 1 January 2015. For the commission of such offences, an administrative penalty in the form of a caution or administrative arrest for a period of up to three days is provided (article 73(1) of the Code of Administrative Offences). If a person commits the offence again within a period of a year, then the designated penalty is arrest for up to ten days (article 73(2) of the Code of Administrative Offences).

45. Thus, over a nine-month period in 2016, 23,610 persons were prosecuted in administrative proceedings for unlawful acts in the context of family and domestic relations (under article 73 of the Code of Administrative Offences), and of these, 11,189 persons were subjected to administrative penalties, and 6,732 persons to administrative arrest.

46. For reference: In 2015, administrative cases under article 73 of the Code of Administrative Offences (2014 version) and articles 79-1, 79-3 and 79-5 of the Code of Administrative Offences (2001 version) were heard against 36,213 persons, and 17,098 administrative penalties were imposed, of which 10,777 took the form of administrative arrest.

47. Statistically, administrative cases involving offences in the context of family and domestic relations constitute on average 10-11 per cent of the total number of cases heard before the courts (for example, over the first 9 months of 2016, a total of 251,366 cases involving administrative offences were heard before the courts, 23,670 of which fell into the category under consideration).

48. Analysis of the statistical data shows that women make extensive use of their right to judicial protection.

49. Thus, over the first nine months of 2016 district courts and courts of equivalent status heard a total of 539,421 civil cases, of which 105,802, or 19.6 per cent, involved lawsuits and claims brought by women. Furthermore, the vast majority of cases concluded with their lawsuits and claims being upheld (79,038 or 95.3 per cent of the number of court orders and rulings).

50. For reference: According to the Committee's data, in 2015 a total of 680,778 cases were heard, of which 152,346, or 22.4 per cent, involved lawsuits and claims brought by women. Furthermore, 95.3 per cent, or 115,194 cases, concluded with the lawsuits and claims being upheld. In 2014, a total of 668,782 cases were heard, of which 147,819, or 22 per cent, involved lawsuits and claims brought by women. Of these, 95.2 per cent, or 109,326 cases, concluded with the lawsuits and claims being upheld.

51. The proactiveness of women in asserting their rights through judicial and legal instruments is testimony to the high level of their awareness.

52. With regard to criminal law, it should be pointed out that although the Criminal Code does not provide a specific article on domestic violence, unlawful acts against women, including in the home, create criminal liability in a range of defined offences.

53. According to preliminary data on criminal cases for the first nine months of 2016, courts of first instance completed a total of 35,987 cases, in which 43,811 persons were recognized as victims, of whom 18,548, or 42.3 per cent, were women. These included 3,161 private prosecution cases examining complaints brought by women, or 66.9 per cent of the number of victims in cases in this category.

54. For reference: According to the Committee's data, in 2015 courts of first instance completed a total of 48,864 criminal cases, in which 52,871 persons were recognized as victims, of whom 21,355, or 40.4 per cent, were women. These included 3,333 cases examining complaints brought by women, or 70 per cent of private prosecution criminal cases. In 2014, there were 43,792 cases, in which 56,516 persons were recognized as victims, of whom 23,431, or 41.5 per cent, were women. These included 2,311 cases examining complaints brought by women or 82.2 per cent of private prosecution cases.

55. Preventive measures play a key role in reducing the level of domestic violence. According to data from the Ministry of Internal Affairs, since the adoption

of the Domestic Violence Act, police officers have issued more than 260,000 restraining orders and the courts have set 22,500 special requirements regarding the conduct of offenders; in 2016, more than 21,000 restraining orders were issued and 1,516 special requirements were set.

56. In addition, a number of international treaties and conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, have been published on the Supreme Court's website under the section on international cooperation, to which not only judges but any Internet users have access.

57. Furthermore, judges explain the provisions of the relevant convention to the parties in court hearings.

58. One result of the work on gender awareness training carried out among judges by the Committee on the Elimination of Discrimination against Women is deemed to be the use in court decisions of references to the provisions of international treaties, including the relevant Convention. Whereas previously such references were used primarily in civil cases, now the Convention is also referenced in criminal case verdicts and in administrative case rulings.

59. According to the statistics, in 2014, a total of 113 civil cases and 1 criminal case in which the provisions of various international treaties were applied were heard. The corresponding figures for 2015 were 888 civil cases and 1 criminal case, and for a nine-month period in 2016, 2,260 civil cases, 1,098 administrative cases and 189 criminal cases.

60. Of these, 319 cases (275 civil cases, 41 administrative cases and 3 criminal cases) in which the standards of the Convention on the Elimination of All Forms of Discrimination against Women were applied directly were heard over a nine-month period in 2016.

61. Examples include the verdict of 12 July 2016 handed down by Saryagash District Court in South Kazakhstan province against M. M. Anarbayev under article 109 of the Criminal Code (beatings), the ruling of 5 July 2016 in the administrative case against D. N. Vorobyev under article 73(1) of the Code of Administrative Offences (unlawful acts in the context of family and domestic relations), and other court decisions.

62. A case was filed by A. O. Bayguzhieva, who brought an action against her employer with claims which included acknowledgement of discrimination at work.

63. In the current year, Kazakhstan also saw the first legal action based on a decision of the Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee). Thus, on 13 July 2015, the Committee supported the action filed by A. V. Belousova, alleging that the Republic of Kazakhstan had been in breach of articles 2 (e), 5 (a), 11 and 14 of the Convention on the Elimination of Discrimination against Women by failing to take action in response to complaints against the head teacher of Pertsevskaya basic school, A. A. Agatay, over actions indicating sexual harassment (which took place in 2011).

64. Based on the Committee's decision, A. V. Belousova filed a lawsuit against the Central Administration of Rudny City Education Department claiming compensation for psychological harm, loss of income and other amounts totalling about 7.5 million tenge.

65. The claim was rejected by decision of the Rudny City Court in Kostanay province of 5 July 2016, left unchanged by the court of appeal, with reference being made to the previous decision of the court having prejudicial effect for the case, as well as to the fact that the complaint was filed against the incorrect respondent.

66. For reference: Based on the results of checks conducted by the executive authorities of Rudny city and Kostanay province, the internal affairs administration and the procurator's office of Rudny, the official view was expressed that the statement by the Kostanay branch of the Kazakhstan International Bureau for Human Rights and Rule of Law on behalf of A. V. Belousova was invalid, as A. V. Belousova had not exhausted domestic legal remedies, in particular she had not sought to bring before the courts a private criminal prosecution against A. A. Agatay for sexual harassment (article 123 of the Criminal Code).

67. An analysis of judicial practice in the application of legislation, including with regard to the observance of women's rights and freedoms, is carried out on a continuous basis.

68. With regard to the recommendations of the Committee concerning the abolition of all forms of mediation and reconciliation in cases of violence against women, it should be noted that it is not only in Kazakhstan but also in other leading foreign countries that the development of restorative justice is seen as a priority.

69. Thus, the reconciliation of married couples helps to restore a normal atmosphere in a family, and to maintain the economic and social situation of this unit of society. At the same time, the legislature sets limits on reconciliation with the victim in cases of serious and particularly serious crimes. Also, reconciliation does not extend to persons who have committed crimes through inadvertence which have entailed the death of a person or the death of two or more persons, have violated the sexual integrity of minors, etc.

70. The question of excluding the instrument of reconciliation from cases involving violence against women in which serious harm was caused to their health is currently being studied.

Paragraph 19 (e)

71. The Ministry of Health and Social Development has developed a standard for the provision of special social services to victims of domestic violence (hereinafter referred to as the draft standard), which specifies the scope and requirements in terms of the conditions and procedures for the provision of special social services to victims of domestic violence. This standard will allow crisis centres to standardize their services and to gain access to State funding.

72. The working group developing the standard included representatives from the Ministry of Health and Social Development, the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of National Economy, the International Organization for Migration (IOM) in the Republic of Kazakhstan and the Organization for Security and Cooperation in Europe (OSCE), as well as non-governmental organizations providing services directly to victims of domestic violence.

73. Decisions of the National Budget Commission No. 16 of 30 July 2016 and No. 20 of 29 August 2016 allocated, as part of targeted current transfers to provincial budgets and to the budgets of the cities of Astana and Almaty, funds for implementing the standard for the provision of special social services to victims of domestic violence for 2017-2019 as follows: 2017 — 30,189,000 tenge; 2018 — 230,073,000 tenge; 2019 — 238,515,000 tenge.

74. The funds allocated for the placement of government social services orders with non-governmental organizations for the provision of special social services for victims of domestic violence for 2017-2019 were as follows: 2017 — 95,703,000 tenge; 2018 — 220,172,000 tenge; 2019 — 210,931,000 tenge.

Paragraph 19 (f)

75. Work is being carried out on examining the question of ratification by the Republic of Kazakhstan of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

76. On 7 December 2015, the Ministry of Foreign Affairs organized a working meeting on the question of the accession of Kazakhstan to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of 11 May 2011 (hereinafter referred to as the Council of Europe Convention). The meeting was attended by representatives from the Ministry of Internal Affairs, the Ministry of Foreign Affairs, other State authorities, the United Nations Entity for Gender Equality and the Empowerment of Women and non-governmental organizations (hereinafter referred to as NGOs).

77. In order to reach a decision on ratification, the Ministry of Foreign Affairs is currently examining, jointly with the Embassy of the Republic of Kazakhstan in Belgium, the question of the procedure for the accession of Kazakhstan to the Council of Europe Convention and for its further ratification. Also planned for 2017 are round-table meetings with the participation of the relevant Ministries and NGOs to discuss the question of the ratification of the Council of Europe Convention by the Republic of Kazakhstan.

Paragraph 29 (a)

78. In Kazakhstan, women are classified as one of the target population groups with a priority entitlement to assistance in finding employment and other forms of social support, including free training for jobs for which there is demand on the labour market and assignment to social jobs subsidized by the State and youth traineeships. In addition, they are provided during their period of training with material assistance to cover travel and living costs and are paid a grant.

79. Thus, according to data from local executive bodies, over the last four years, about 600,000 persons, 49 per cent of whom were women, of whom almost half were inhabitants of rural areas, have taken part in initiatives under the "Employment Road Map for 2020" programme (hereinafter referred to as the Programme). Over this same period, more than 220,000 women have been placed in employment, representing 36 per cent of the total number of persons placed in employment after vocation and technical training, granting of microcredits, resettlement, etc.

80. According to data from local executive bodies, as of 1 September 2016, 111,900 persons, including 50,400 women (45.1 per cent), of whom 23.1 per cent were women living in rural areas, had signed social contracts with employment centres. The proportion of the total number of persons placed in employment who were women was 43 per cent (49,800).

81. For reference: 18,000 persons, including 2,000 women, are employed in infrastructure projects for the renovation of social and cultural facilities, housing and municipal services and land improvement.

82. Seven hundred and ninety-four participants in the Programme, including 276 women, underwent training in the basics of running a business with the goal of engaging in business activity; and 5,400 persons, including 1,800 women, received microcredits. Of those who received microcredits, 3,000, including 603 women, opened their own business, and became first-time entrepreneurs. A further 437 women were placed in permanent jobs created by persons who had received microcredits.

83. In order to increase the competitiveness of Programme participants on the labour market, vocational training was provided for 5,200 persons, including 2,400 women. The training was completed by 3,700 persons, including 1,500 women. After completing training, 86.5 per cent (3,200 persons) were placed in employment, including 1,400 women (93.3 per cent).

84. Twelve thousand five hundred participants in the Programme were placed in social jobs, and 13,000 persons in youth traineeships. The number of women placed in temporary jobs (social jobs and youth traineeships) stood at 14,300.

85. Between 2011 and 2016, 17,800 persons were resettled under the Programme, including 699 persons in the year to 1 September 2016. The total number of persons resettled included 8,700 persons of working age, of whom 6,800, or 78.2 per cent, were placed in employment. 233 women moved with their families to a new place of residence, and of these 168 were placed in permanent employment.

86. Implementation of the Programme alongside other measures to provide employment for women is having a positive impact on the country's labour market and on the rates of employment among women.

87. According to figures for the second quarter of 2016, the number of unemployed women had fallen by 10,400 from the level in the same period in 2014, to 247,100. Correspondingly, the unemployment rate for women had decreased from 5.8 per cent to 5.7 per cent.

Paragraph 29 (b)

88. The necessary legal conditions have been created in the Republic of Kazakhstan for women to exercise their right to work. Labour legislation guarantees equal pay for equal work, i.e. for work of the same duration, intensity and complexity, and also prohibits any discrimination in pay on the basis of sex, age, race, nationality, language, material or official status, place of residence, attitude to religion, beliefs, citizenship, membership in a voluntary association, or any other circumstances unrelated to the professional qualities of an employee or the results of his or her work.

89. Analysis of the situation with regard to wages in Kazakhstan shows that the average monthly nominal wage of an employee over the period from January to June 2016 stood at 137,909 tenge, and was 19.9 per cent higher than in the corresponding period in 2014.

90. The figure for 2015 was 126,021 tenge (4.2 per cent higher than in the corresponding period in 2014), while for women the figure was 99,911 tenge (4.3 per cent higher than in the corresponding period in 2014).

91. In 2015, the ratio of women's wages to men's wages stood at 66 per cent. This was due to the fact that men largely work in sectors such as industry (oil and gas, mining, manufacturing), transport or construction where working conditions are generally harsh (hazardous) and in which wages are higher than the national average. Women are to a large extent concentrated in sectors such as education, health care and social services where most of the organizations are State bodies.

92. However, for the purposes of consistently reviewing remuneration levels in sectors where women are concentrated, a new system of remuneration was introduced in 2016. It affected more than a million employees (teachers, doctors, cultural workers, employees in the social sector, etc.). Their pay rose on average by 30 per cent (on average, in the education sector by 29 per cent, in the health care sector by 18 per cent and in the cultural and social welfare sector by 35 per cent).

Paragraph 29 (c)

93. As part of the implementation of the National Plan — 100 Steps for Implementing Five Institutional Reforms set out by the President of the Republic of Kazakhstan, a new Labour Code of the Republic of Kazakhstan has been adopted (which entered into force on 1 January 2016), containing provisions to protect the health of women.

94. For reference: Under article 26 of the Labour Code, it is not permissible to employ women for heavy physical labour or for labour in harmful and/or hazardous working conditions, in accordance with the list of occupations for which the employment of women is prohibited. Employers are entitled not to permit manual lifting and moving by women of loads in excess of the limits set for them (article 182 (1) (7) of the Labour Code).

95. In implementation of these Labour Code provisions, Order No. 944 of the Ministry of Health and Social Development of 8 December 2015 ratified the list of occupations for which the employment of women is prohibited and limits on the manual lifting and moving of loads by women (hereinafter referred to as the List). The adoption of the List provides maternity protection and also protects the health of women.

96. At the same time, it is planned to update the List in order to broaden access for women to occupations which now, due to the application of new technologies, the automation of production, the use of robots, etc. are not detrimental to their health. The review of the List will be carried out in the initial stage of implementation of the new Family and Gender Policy Strategy for the Republic of Kazakhstan up to 2030 which is in the process of being developed.